



City of Albuquerque

Legislative File Number R-06-25 (version 1)

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

Declaring A Moratorium Until March 20, 2006 On The Approval Of Dwelling Units As A Conditional Use In Any C-1 Zone (Neighborhood Commercial Zone) Or Any C-2 Zone (Community Commercial Zone); Declaring An Emergency.

CITY of ALBUQUERQUE SEVENTEENTH COUNCIL

WHEREAS, on November 7, 2005, Bill Number O-05-151, "Amending ROA 1994 to Delete Dwelling Units from the List of Conditional Uses Permitted in the C-1 Neighborhood Commercial and C-2 Community Commercial Zones", **was introduced in the City Council; and**

WHEREAS, as required by Section 14-16-4-1(D)(1) ROA 1994, that bill was forwarded to the Environmental Planning Commission ("EPC") for its evaluation and recommendation and where, on January 19, 2006, it was considered and deferred for an additional thirty days; and

WHEREAS, the next regularly scheduled meeting of the EPC will be on February 16, 2006, twenty-eight days following the EPC meeting where the matter was deferred for thirty days; and

WHEREAS, the intent of Bill Number O-05-151 was to stop potentially adverse impacts from converting commercial property zoned C-1 or C-2 into residential property through the conditional use process; and

WHEREAS, one result of the introduction of Bill Number O-05-151 has been an increase in the number of property owners applying to utilize the conditional use process to permit dwelling units within C-1 and C-2 zones; and

WHEREAS, the continued approval of these conditional uses during the period that Bill Number O-05-151 is under consideration will have potentially adverse impacts and will adversely affect or negate the goals sought to be reached by that bill; and

WHEREAS, a short delay in approving conditional uses in C-1 and C-2 zones will ensure that future development will be consistent with any policy

that may be adopted through Bill Number O-05-151; and

WHEREAS, the City should determine on or before March 20, 2006 whether the moratorium should terminate, be extended or be modified; and

WHEREAS, the intended purpose of this moratorium is to allow the City to advance the health, safety and welfare of the public and to further goals and policies adopted by the Council.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. Upon the adoption of this Resolution until March 20, 2006, the City shall not approve any application for a conditional use to allow dwelling units in a C-1 or C-2 zone.

Section 2. This moratorium shall apply to any application pending as of the date of this resolution and to any application applied for prior to March 20, 2006.

Section 3. The Council declares an emergency and this Resolution shall become effective upon the date of adoption by the Council.

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